

CASE 1: 15-0191LR – Tarlton Meadows – 4608 and 4643 Elliott Road and the northern most 30.2 acres of land within the Estates at Hoffman Farms PUD

PARCEL NUMBER: 050-008664, 050-009195, 120-000184, 120-000185, and 120-000173

APPLICANT: Elliott Road, LLC c/o Thomas L. Hart, 2 Miranova Place, Suite 700, Columbus, Ohio 43215; and City of Hilliard c/o Clyde R. Seidle, 3800 Municipal Way, Hilliard, Ohio 43026.

REQUEST: Review & approval of a Hilliard Conservation District under the provisions of Hilliard Code Chapter 1115.04 for a development consisting of 258 dwelling units and 46.7 acres of park land on 190.4 acres.

Mr. Talentino presented the staff report with power point slides of the site.

On May 12, 2015, the Big Darby Accord Panel recommended that the proposal be denied based on the finds that the proposal is not a conservation development design, wetland buffer information was insufficient, density is too high, and open space does not meet the 75 percent contiguity standard for conservation development. The Planning and Zoning Commission has postponed this application at the request of the applicant on June 11, 2015, August 13, 2015, October 8, 2015, December 10, 2015, February 11, 2016, and March 10, 2016.

The applicant has since revised the proposed plans. The following staff report is based on those plans.

It should be noted that tax increment financing (TIF) has never been proposed for this development and that the City of Hilliard is disappointed in the references by others suggesting incorrectly that a TIF is being sought.

The site is 190.4 acres located on the east and west sides of Elliott Road approximately 3,000 feet south of Hayden Run Road. The site includes approximately 30.2 acres of park land approved as part of the Estates at Hoffman Farms PUD, 113.5 acres between Estates at Hoffman Farms and Elliott Road, and 46.7 acres on the west side of Elliott Road within Brown Township. The applicant is requesting approval of a Hilliard Conservation District (HCD) Plan consisting of 258 single-family lots on 190.4 acres.

The Commission is to review the proposal for conformance to the provisions of the Hilliard Comprehensive Plan and Chapter 1115 of the Zoning Code. Following a recommendation by the Commission, an ordinance for the proposed PUD Zoning will be forwarded to City Council for review and approval.

Staff finds the proposal to be consistent with the goals and objectives of the BDAWMP and Hilliard Comprehensive Plan concerning land use, the provision of open space, recreational trail development, prairie restoration, and providing a mix of residential products. Staff finds that density bonuses are appropriate given the extraordinary circumstances associated with this site; however, the proposed density is slightly above that which is justified with the application of density bonuses per Code. Based on these findings, staff recommends that the Commission forwards a positive recommendation to Council concerning the proposal with the following eight conditions listed in the staff report.

Chairman Lewie asked if there were questions for staff.

Chairman Lewie asked if the applicant would like to speak.

Mr. Tom Hart, attorney for Pulte Homes, was present and stated here with me tonight is Matt Callahan, Vice President of Land Development Acquisition for Pulte Homes. Mr. Talentino did a thorough job reviewing the staff report and the changes of the last hearing but we're disappointed with the density scoring. We believe that our design at 1.36 with 105 acres of open space, path connections that are regional and local, easy access with a regional park opportunity, native plantings that we're restoring, and the other conservation amenities all will make Tarlton Meadows a very great place to live and adds to the quality of life of the community. This design and conservation commitment should be considered under merits not through a density only analysis. Density is one measure that is important but when it gets overemphasized; high quality site design, livability, and quality of life amenities don't get the attention they deserve and makes it more difficult to pull those off. The Hilliard Code generally recognizes that the density has its place with its density bonus system and its greater flexibility. But maybe more flexibility is needed to score and evaluate a site like this. This site has very little in the way of current natural features because it's flat, farmed, and featureless. Sites with little existing natural features are in fact where density should go in the Darby area because other high quality environmentally sensitive sites have been saved. This site has no opportunity for stream restoration which is one of the main density bonus items in your Code. However, in terms of true environmental impact and water quality runoff, we will greatly improve the water quality of water coming off this site and the water that will reach streams and groundwater aquifers. We have over 90 acres of reclaimed forest and prairie and other types of improvements with additions to wetlands, bio retention basins, and groundwater recharge facilities. When comparing what we're doing on this site to the current farming operations, there's a market water quality increase we believe akin to what somebody would do to restore a stream. We think the Code should be reviewed in terms of looking at flexibility where a site like this doesn't have a stream and doesn't qualify under that category but is still making conservation and environmental improvements. It's expensive to permanently set aside 105 acres and not ever develop it and that's what we're doing here. It's also a challenge to do all the other commitments which have significant community and quality of life benefits as the staff report documents without the reasonable density to cover that. While trying to balance things to make it work is difficult on this site, Pulte will agree to the staff conditions to revise the plan to go to 1.3 dwelling units per acre under the Code and the Comprehensive Plan. Going to 1.3 and 248 lots means figuring out where that goes on the site and probably gets us to 60 percent open space or so. We will also agree with the other conditions in the report and work with staff to get the details straight if we can get a positive recommendation from the Commission to move to formal consideration to Council.

Chairman Lewie asked for public comments.

Ms. Lorraine Cathala, 4750 Elliott Road, was present and stated I don't understand why we're here reviewing this again tonight because it's not substantially different from the proposal that we looked at last time. That leads into my second question on if it's legal for them to include the property on the west side of Hilliard in the density requirement when Hilliard doesn't have zoning authority over that land? It has been set aside as green space but Franklin County can come along and pave that over and then there's no green space for this development.

Mr. Talentino replied the Darby Accord Plan was initially based on the transfer of development rights which is basically what this says. You're supposed to take land that you're not going to develop and transfer those development rights to areas you would. So you have to count the total gross acreage in your density calculations. The idea is to get 50 percent open space in the whole area. In the Darby Manual it doesn't talk about what is counted in individual jurisdictions, it's looking at the watershed. There was a case that we had where land was bought and it was donated to Columbus so stream restoration could be done on it. We counted that because it was part of the acreage that goes into the total number of units that you're allowed to build in the Big Darby area. Gross acreage is how you know where you are in terms of development rights and is in the Darby Accord. You take the total acreage and half of it's getting developed and the other half is not. It's absolutely part of the Darby Accord plan but it's just not done by the same mechanism that was anticipated. The problem with it is that from a State standpoint, you can't transfer development rights from one jurisdiction to another but you can transfer development rights from one place in Hilliard to another place within the jurisdiction.

Ms. Cathala stated it is allowable but there's no guarantee that it will remain green space.

Mr. Talentino replied there is a guarantee because with the Darby Accord, all those areas that are open space or park land get a perpetual conservation easement built on top of them.

Mr. Seidle stated it's important to emphasize that the plan requires that a conservation easement be put on it and it will go into the City's ownership. We can own land outside our jurisdiction because we have that on the Rail Trail. It will be a permanent green space and according to the Darby Accord it's permissible. We have other projects that have done the exact same thing. The most recent conservation easement was on Roberts and Alton Darby where there was land that was provided that became part of a stream restoration project and was in the township. That area was accounted for as part of the overall development because the plan was to aside 50 percent open space.

Mr. Talentino stated by way of comparison, the 30 acres that was initially shown as park land on the east end of the site at the Estates at Hoffman Farms didn't have a conservation easement on top of it but with this plan it will. The lots on there are about 7 acres and there will be 23 acres on that that will remain in perpetuity because it will have a conservation easement on top of it. The park land on the west side of Elliott can't change because the conservation easement will go on it. That's a requirement only in the Darby area and wasn't a requirement in other parts of Hilliard. This is one of the good parts of the Accord plan.

Ms. Cathala replied I know lots of residents in the neighborhood were disappointed that there was any development in that 30 acres because their understanding was that green space was guaranteed for their neighborhood.

Ms. Cathala stated many of the items that were raised last time haven't been addressed and are still relevant in this discussion. Looking at the plan, the road into Subarea C is right where it floods on the east side of Elliott Road. When it rains a lot, I've seen as much as a foot of water there. There is a row of trees that are in the plan to separate existing property on Elliott from the new development. While it's nice that you're providing a little barrier there, we're not looking for a disguise of this

massive development, we want the density reduced particularly in Subarea C. The Big Darby Accord states that the highest density housing is put next to existing houses and the lowest density on the rural end of the development. That would be more appropriate in keeping with the character of the existing street. Most of us feel that the empty nester houses will more likely be filled with young families because of their cheap housing. That invalidates the density calculations as far as people and it will overwhelm the existing school. If you really mean for these to be empty nester houses then you need to put restrictions on them so that they are for older people. Part of the Big Darby Accord is to maintain the rural characters of roadways and in order to do that it would be great to have one entrance onto Elliott with minimal disruption of traffic and the way the street looks. Swales are not characteristic of a rural environment and most properties on the north end of Elliott have a tree screen next to the road. Mr. Hart, you mentioned in your presentation that we shouldn't use density as the highest concern and it's expensive to set aside greenspace. High density is what most people don't like. They want conservation development and with my understanding this is not. The plan is sort of shaped like an arm that brings this place around the development but I understand that conservation development is more like fingers with green space around it and that means there will be less density. It's not just about short term profits to your shareholders because we live here and want to maintain the character of our community as more rural. I think you're missing a huge opportunity to become the premier conservation developer for Central Ohio. If you would choose to follow the Big Darby Accord to the letter, you would have fewer disagreements with existing residents and Council and would preserve the aspects of the community that people are most interested in which is green space, low density, and conservation of the Big Darby characteristics. Lastly, I would like to state that Hilliard is a signatory to the Big Darby Accord which means that those are the rules that Hilliard has to agree to follow when planning new developments. I very respectfully request that you follow the Big Darby Accord to the letter in order to maintain the characteristics of our community.

Ms. Beth Clark, 2491 Walker Road, was present and stated I'm executive assistant to the Brown Township Board of Trustees. All three members of the board are also here this evening for the opportunity to speak. The Tarlton Meadows proposal as revised doesn't comply with the Big Darby Accord. As a previous speaker indicated, that should matter to you because the city of Hilliard adopted this landmark watershed plan in 2008 and six other jurisdictions including Brown Township had adopted it two years earlier. Tarlton Meadows is inconsistent with the Accord in at least two areas. Density is far too high and the proposal isn't conservation development design. About 144 acres of this proposal are located inside Hilliard. Therefore, based density at 1-unit-per-acre should be 144 units. The Accord provides for a maximum of 15 percent density bonuses in the land use classification for this territory. Even though the proposal before you tonight contains fewer units than previous versions, it still represents a 55 percent increase in density over the provisions contained in the Big Darby Accord. Attempts to justify this extraordinary increase in density rests with the Hilliard Conservation District which contains language that purports to comply with the Big Darby Accord but contains different standards that are inconsistent with the Accord. Concerning conservation development design, the proposal is designed in a typical suburban development pattern. Conservation developments differ from standard developments in that they usually site homes on much smaller lots clustered in a smaller portion of the total available land incorporating natural open space throughout rather than at the edges of the development. None of that is present here. One comment on process is that at the conclusion of the February meeting of this Commission; I recall the chair asking the applicant to communicate with those who testified that evening. Brown

Township hasn't heard a single word from the applicant in the intervening time. We testified in good faith that evening and we expected a good response in return. We remain disappointed in Hilliard's approach in the implementation of the Big Darby Accord including their non-participation in regular meetings, refusal to participate in the multi-jurisdictional revenue agreement, and refusal to honor the request of the Franklin County Commissioner, Brown Township, Prairie Township, Columbus, and the Big Darby Advisory Panel to allow this proposal to return to the panel for reconsideration. We request that this Commission recommend disapproval of this proposal, that it be revised to comply with the Big Darby Accord, and that it return to the Accord Advisory Panel for review and recommendation.

Mr. Joe Martin, 2491 Walker Road, was present and stated I'm a Brown Township trustee and I also chair the Franklin County Rural Zoning Commission. I want to speak on the 46 acres west of Elliott Road because that represents 25 percent of this applicant's development land. That property is out of your jurisdiction in terms of zoning, it's outside of your service area in terms of water and sewers services, and it remains in Franklin County under the Franklin County jurisdiction for zoning and in Brown Township which we abide by the Franklin County zoning resolution. Basically, it's non-developable and I consider it a side car parcel because it's being used strictly for the convenience of calculations of density. Personally, I feel that it's inappropriate and inconsistent with the Darby Accord. I respectfully request another possible condition to your recommendations for a written conservation easement to be placed on the deed for that property so that it can remain open space for perpetuity. Looking through the development text I wasn't able to find any such language and I think that it's appropriate that this body passes that recommendation on to City Council and in advance have the developer have that easement in place.

Mr. Frank Hornik, 4714 Elliott Road, was present and stated I too am a little disappointed that nobody from Pulte reached out to me because I'm so closely affected by this plan. My wife and I have lived at 4714 Elliott Road for the past 25 years and our property is the 5 acres directly boarding Subarea C. In our opinion this layout doesn't come close to the guidelines presented in the Big Darby Accord for required conservation development. The density ratio, integration of open space, and the transect concept have all been ignored. If you include the 47 acres in Subarea D into the density ratio you may as well consider acreage on the other side of town. That property isn't even connected to it because it's across the street. My strongest objection to this layout is Subarea C because it has the highest density of any of the subareas with 3.9 units per acre. This area has a history of flooding and is the only subarea that directly shares a border with existing residential lots, ours and the Mattera's. It seems to us that it would've been more appropriate to switch Subarea C with one of the other quadrants that doesn't directly border any other residences. Row after row of houses with minimum integration in space, small lots, and small homes is exactly what should be avoided. There's going to be fourteen 50-foot lots bordering right next to my property. This certainly doesn't compare to other recent developments. I also question whether or not these patio homes will in fact be occupied by empty nesters without deed restrictions put in place to those purchasing the homes be age 55 or older. I can see young families with school age children purchasing these inexpensive patio homes to take advantage of the Hilliard area school district. The true empty nesters are going to by a patio home less than three miles away in the Columbus school district and pay approximately half the property taxes of those who go to this school district. We truly hope that the city of Hilliard will demand significant changes to this proposed development and make it compliant with the Big Darby Accord and the rural flavor we've all been so proud of.

Mr. David Opalek, 4867 Barbeau Lane, was present and stated on behalf of the Estates at Hoffman Farms I wanted to thank the City for all of their help in addressing the issues we had. Mayor Schonhardt and Mr. Talentino have been incredibly open and helpful to us in addressing the concerns we had in regards to some of the connectivity and the status of the existing site. I would like to thank Pulte for listening to the concerns we had about connectivity issues and trying to make the best use of that land by making that end of the Estates at Hoffman Farms a useable and functional space. I think our experience has been very positive so far and I wanted to make sure we went on record as saying thank you and we appreciate your support.

Josh Rinehart, resident of Elliott Road, was present and stated I've lived on Elliott Road for sixteen years. When you're considering a rezoning issue like this shouldn't there be an effort to make it blend in with the existing community because this doesn't look like what we have now. Right now we have a quiet country road with half a million dollar homes on 5 acres and there's one million dollar home. There also are horse farms along the other side of Elliott Road. How does this development match with what we have right now? You said this is going to benefit the quality of life? How does this benefit my life? Does anybody think that Hilliard has a shortage of cookie cutter subdivisions?

Debra Mattera, 4710 Elliott Road, was present and stated I also live next to the proposed development where we're most concerned about the density of Subarea C. Normally, that type of development ratio would be a buffer to retail property and not next door to residential homes. The house right down the street from ours sold for \$499,000. We don't think those types of homes in the proposal match with the environment.

Matt Wolf, resident of the Estates at Hoffman Farms, was present and stated I want to thank the city leaders and Pulte for working with the community to make this as desirable as possible for the residents here. Most residents in Hilliard understand that not only our community but all communities in the Columbus area are dealing with a lot of farmland and growth in population and the job market. We have to understand and develop accordingly. To answer the one gentleman's question (Mr. Rinehart), my brother is moving in from Boston and he was looking for a house within the Estates at Hoffman Farms which unfortunately there aren't many that are up for sale. This is the type of market for a lot of homebuyers and I think it will bring value to our community. Also, with me being active in the community, I love the connectivity with Rails to Trails and having additional paths to walk my dog.

Chairman Lewie asked for any further comments.

Mr. Hart stated first, in terms of the trustee's request for a condition to place a permanent deed restriction or permanent conservation easement on the 46.6 acres, we have no problem with that and we expected that from day one. We're going through a process of proposing that the City take it, aggregated with other open space, and create a large exciting regional park opportunity of a substantial size. Addressing the empty nester comments, the school district tracts the students produced from every single subdivision in Hilliard and other jurisdictions that feed into the school district. They have a report called "The Student Building Enrollment by Municipality and Subdivision Report" and it's on their website. We've looked at multiple established empty nester

communities with very similar price points and product that we're trying to accomplish. We looked at Brickstone Green, Heritage Club Villas, Heritage Villas on the Links, Manors at Homestead, Villas of Mill Run, Village at Heritage Club, and Villas at Glenealy because a lot of those are Epcon sites and they're the gold standard in the market as far as success. These communities have near 100 units and based on school district data, produce between 1 and 3 children. I also have copies of the multiple listing service report on the Hilliard market for 2015 for the Commission to view. On the last page of the report it documents the average sales for all homes in Hilliard in 2015 and the price point was \$233,000. To address the point of the witness on are families going to buy these two bedroom patio homes at about \$350,000 to get into the Hilliard school district with their multiple kids, I think the answer is no because you can get a 3 or 4 bedroom house for \$233,000 and less in the market right now in both Hilliard and the Columbus part of the district. I still believe that parents do what's best for their kids and I think moving them into a patio home with two bedrooms that costs thousands of dollars more than what's available in the market isn't what people do. The call for an age restriction is unnecessary because it's not a threat. The report from the school district documents the higher end or moderate price empty nester condos aren't producing kids and clogging the schools. No other empty nester community has come through this town that we're aware of for approval and had an age restriction placed on it as a functional zoning. There are some legal issues with that but we don't think that would be appropriate or fair here. I also want to talk about the impact that empty nesters have and who they are. Their demographic needs and wants are quite different from single-family homebuyers with kids and families. They want to be in very defined areas, greatly value security and want an insular feeling, and want quick road access to the things they need. They commute very differently from people with families and our traffic study documents that and it's a generally accepted principle that an empty nester's commute is during off peak and rush hours. They have a lot less impact on the road system and don't need as many connections to the roads and that's why we put them where we have because they want to be somewhat isolated and have a safe feeling and their own space. Empty nesters also have less impact on the house itself and the greenspace around it. There will not be kids playing in the yard after hours in those empty nesters. Typically there are 1.75 people per unit and they just don't occupy the same amount of space as three, four, or five person family. These facts are out there and you can research them on your own if you don't believe me. I want to comment a little bit about the Accord. The Accord is a guidance document and a set of recommendations and Hilliard is a signatory to it. It's not the zoning law for Code that governs decisions in this community because the Commission and Council make decisions based on the Comprehensive Plan and the Hilliard Code that is the legal document that governs Hilliard zoning. An evaluation of the site has to take place under that. You will see the Darby principles throughout the Comprehensive Plan that we need and are meeting them. The Big Darby Accord clearly talks about density bonuses incentivizing good conservation principles and practices like stream restoration and gross density above 50 percent. It's a flexible document and it's been talked about by witnesses as something that's completely rigid, it only allows one unit, and everything we're doing violates it. Nothing could be further from the truth and people should get educated themselves. The last item I want to address is community benefit. This site is good for the community because it has much lower density than many other subdivisions and conservation development that we're now moving to 60 percent open space that exceeds what's in the City Code and Comprehensive Plan. This is high value housing and our average housing price for a single-family is \$375,000. We will achieve many unit sells in the \$400,000 range and we're tracked very similar to Heritage Preserve. We will bring value to property in Hilliard and be competitive. A house that cost \$375,000 does bring in more money than it costs to educate the students and we believe we

will have a positive effect on school funding. We will aggregate park land and other open space around the 46 acres through coordination with other developers. One of the staff requirements is that we continue connectivity across the 46 acres and we will commit to that. The Comprehensive Plan shows that bike path connectivity is the number 1 amenity that people want. We're doing more connectivity than we're required to do with the bike paths being regional in nature that will connect to Cosgray, Homestead Park, and through the 46 acres. This connectivity has potential to get out to Prairie Oaks and connect to the existing parks to the south to create a loop. That's what the Comprehensive Plan calls for and that's what we're trying to do. We're a key link in that system and I think we're delivering.

Chairman Lewie stated the plan in front of us is showing 258 units but we will need a new design showing 248 units based on Condition 1.

Mr. Hart replied we will commit to that condition and we're asking to move forward tonight.

Chairman Lewie stated Ms. Clodfelder you gave us an opinion before the meeting that Mr. Muether can vote on this case even though he was on the Darby Accord several years prior.

Ms. Clodfelder replied that is correct. The legal department has reviewed the plans that have been submitted by the applicant and believe that they are substantially different from what was originally seen when that plan went to Big Darby Accord and Mr. Muether voted on it. We believe there isn't any issue with him voting on the application tonight.

Chairman Lewie asked for any further comments, hearing none he called for a motion.

MOTION: Mr. Robertson made a motion to approve CASE 1: 15-0191LR – Tarlton Meadows – 4608 and 4643 Elliott Road and the northern most 30.2 acres of land within the Estates at Hoffman Farms PUD for a Hilliard Conservation District under the provisions of Hilliard Code Chapter 1115.04 for a development consisting of 258 dwelling units and 46.7 acres of park land on 190.4 acres with the following eight conditions listed below:

- 1) That the plans are revised to show a maximum gross density of 1.3 dwelling units per acre, which is 248 dwelling units, consistent with the recommendations in the Hilliard Comprehensive Plan and the provisions of the Zoning Code;
- 2) That the plans and text are reconciled to clearly indicate the proposed locations of prairie restoration and reforestation;
- 3) That the plans are revised to maximize the landscape screening between the proposed Subarea C and the adjacent residences to the north;
- 4) The details of specific architectural details and additional mounding/landscaping required for the key visibility locations are provided;
- 5) That the plans are revised to show the regional bike path across the entire site from east to west including the proposed park land in Subarea 'D';
- 6) That the 46.7 acres of park land is dedicated including a permanent deed restriction and/or as a permanent conservation easement prior to the issuance of any building permit;
- 7) That the applicant will enter into a Developer's Agreement with the City regarding construction and financing of all public improvements; and

- 8) That the text and plans are revised consistent with the recommendations listed in bold in this staff report prior to this application being scheduled on any Council agenda.

Mr. Movshin seconded the motion.

VOTE: Mr. Muether, Yes; Mr. Movshin, Yes; Chairman Lewie, No; Mr. Robertson, Yes; Mayor Schonhardt, Yes.

STATUS: The motion passed 4-1 and CASE 1: 15-0191LR – Tarlton Meadows – 4608 and 4643 Elliott Road and the northern most 30.2 acres of land within the Estates at Hoffman Farms PUD was approved for a positive recommendation to be forwarded to Council for a Hilliard Conservation District under the provisions of Hilliard Code Chapter 1115.04 for a development consisting of 258 dwelling units and 46.7 acres of park land on 190.4 acres with the eight conditions listed above.